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PROGRAMME BUDGET FOR THE BIENNIUM 1996-1997

HUMAN RESOURCES MANAGEMENT

FINANCING OF THE INTERNATIONAL TRIBUNAL FOR THE
PROSECUTION OF PERSONS RESPONSIBLE FOR SERIOUS
VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW COMMITTED
IN THE TERRITORY OF THE FORMER YUGOSLAVIA SINCE 1991

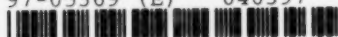
FINANCING OF THE INTERNATIONAL TRIBUNAL FOR THE
PROSECUTION OF PERSONS RESPONSIBLE FOR GENOCIDE AND
OTHER SERIOUS VIOLATIONS OF INTERNATIONAL HUMANITARIAN
LAW COMMITTED IN THE TERRITORY OF RWANDA AND RWANDAN
CITIZENS RESPONSIBLE FOR GENOCIDE AND OTHER SUCH
VIOLATIONS COMMITTED IN THE TERRITORY OF NEIGHBOURING
STATES BETWEEN 1 JANUARY AND 31 DECEMBER 1994

ADMINISTRATIVE AND BUDGETARY ASPECTS OF THE FINANCING
OF THE UNITED NATIONS PEACEKEEPING OPERATIONS:
FINANCING OF THE UNITED NATIONS PEACEKEEPING
OPERATIONS

Gratis personnel provided by Governments and other entities

Report of the Advisory Committee on Administrative and Budgetary Questions

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General (A/51/688 and Corr.1), submitted in accordance with General Assembly resolution 48/226 C of 29 July 1994. In that resolution, the Assembly endorsed the recommendations of the Advisory Committee and requested the Secretary-General to submit a report on the various aspects related to the provision by a number of Member States to the Department



of Peacekeeping Operations of military and civilian personnel "at no cost to the United Nations". The report of the Secretary-General also follows further questions raised since then by the General Assembly and the Advisory Committee on the policies and procedures governing the acceptance by the Organization of services of gratis personnel provided by Governments and other entities to the United Nations as a whole. The Committee welcomes the broader approach taken by the Secretary-General but notes that no mention has been made of gratis military services provided in areas of military operation in the field. During its consideration of the Secretary-General's report, the Advisory Committee met with representatives of the Secretary-General who provided additional information. The Advisory Committee regrets the delay in the submission of the report, which was originally requested on 29 July 1994.

2. In recent years, a series of resolutions of the General Assembly have addressed the issue of the provision of either civilian or military personnel by Member States as a voluntary contribution. In resolutions 45/258 and 49/250 (as indicated in paragraph 9 of the Secretary-General's report), the Assembly invited Member States to make voluntary contributions to the United Nations peacekeeping operations and welcomed the contribution by Member States, on a non-reimbursable basis, of personnel to fill backstopping positions within the Department of Peacekeeping Operations. In resolution 47/71, the Assembly encouraged the Secretary-General to invite Member States to provide qualified military and civilian personnel to assist the Secretariat in the planning and management of peacekeeping operations. Resolution 47/168 "requested the Secretary-General to continue to examine all possible ways and means to provide adequate qualified personnel to the Department of Humanitarian Affairs ... where appropriate, through the secondment of national humanitarian disaster relief experts" (para. 5).

3. The Advisory Committee points out, however, that in addition to those areas specifically mentioned in General Assembly resolutions, there are gratis personnel who have been accepted by the Secretary-General for assignment in areas not specifically mentioned by the General Assembly.

4. The Secretary-General's report indicates two main types of gratis personnel. Type I is discussed in paragraphs 16 to 23 of the report. This category of personnel is traditional in the history of the Organization and comprises mostly technical cooperation and trust fund activities and programmes which are voluntarily funded. It includes associate experts, technical cooperation experts on non-reimbursable loans (normally intended for use in the field) and interns. Table 1 of the Secretary-General's report contains the details concerning such issues as the role of the Organization and the donor in the provision, selection, status, type of contract, form of financing of such personnel; as of 31 October 1996, these totalled 238 (see annex II to the Secretary-General's report).

5. It is evident from the Secretary-General's report, and from the detailed discussions held with his representatives, that there are fairly well established practices and policies defining the more traditional type I gratis personnel. Nevertheless, the Advisory Committee will continue to examine further this category of personnel in the context of its examination of the proposed programme budget for 1998-1999. In this connection, all positions

occupied by such staff and related costs should be fully disclosed in the context of that document.

6. The second, more recent category of gratis personnel is discussed in paragraphs 24 to 40 of the Secretary-General's report. Table 2 of the report summarizes the role of the Organization and the donors, the status, agreement, type of contract and financial arrangements involved. Whereas type I is generally involved in voluntarily funded activities, type II is mainly involved in mandated operations, the cost of which is assessed on Member States. This type, as indicated therein, numbered 443 as of 30 January 1997, and includes five different groups:

(a) 125 gratis military or civilian officers in the Department of Peacekeeping Operations and 4 in the Department of Administration and Management, who have the status of "experts on mission". Their salaries are paid by the donor Governments but other associated costs are charged to the regular budget. The Secretariat, upon request, provided a list of their nationalities and numbers, as well as the equivalent military ranks to United Nations positions (see annexes II and III to the present report);

(b) 112 Government-provided personnel attached to the United Nations Special Commission (UNSCOM), under Special Service Agreements, but whose support costs are funded from the frozen assets or voluntary contributions related to Security Council resolutions 778 (1992) and 986 (1995). Some of these personnel are standby;

(c) 66 humanitarian assistance, demining and disaster relief experts of the Department of Humanitarian Affairs who have status of "experts on mission" (see para. 35 of the Secretary-General's report), 41 of whom serve on a standby basis to be deployed on an emergency basis for short periods. Support costs are charged either to donor Governments or to the relevant trust funds in some cases;

(d) 87 personnel provided to the international tribunals by Governments and other entities whose support costs are sometimes paid by donors;

(e) 49 gratis personnel performing functions in other Secretariat departments throughout the Organization in the political area, the economic and social sectors, the Office of Internal Oversight Services and the Department of Administration and Management, under Special Service Agreements. In some cases their support costs are charged to the regular budget; the provision of such personnel has not been encouraged or invited under any General Assembly resolution.

7. The growth in numbers and in the scope of the functions entrusted to type II gratis personnel in recent years raises important policy and management issues, including accountability, and financial and legal issues which require urgent attention at both the Secretariat and intergovernmental levels. In order to address these issues, the Secretary-General makes a number of observations and recommendations in paragraphs 67 to 75 of his report and proposes to establish guidelines, which are included in annex I to that report.

8. The Advisory Committee notes the value of the services provided by gratis personnel as described in paragraph 10 of the Secretary-General's report. The Committee believes that immediate attention should be given to the issues raised in paragraph 11 of the Secretary-General's report, including, inter alia, the manner in which type II gratis personnel are obtained, the reasons for obtaining or accepting them, and the lack of adequate guidelines governing their recruitment and conditions of service.

9. The Advisory Committee agrees, in general, with the concerns expressed in the Secretary-General's report. However, the Committee regrets that the Secretary-General did not take earlier action on some of the management issues which are within his domain as chief administrative officer.

10. The report of the Secretary-General as well as the testimony by his representatives emphasized the view that unless adequate resources are made available the Secretariat has no other option but to resort to gratis personnel. The Advisory Committee believes that the use of gratis personnel should not be the result of poor personnel planning. The Secretary-General, after preparing a budget, should not resort on his own to the use of gratis personnel simply because adequate resources were neither requested from the General Assembly, nor provided for in the budget nor made available through payment of assessments. The Committee is of the view that the programme of work and the mandates approved by Member States must be financed in the manner determined by the General Assembly. If the resources are inadequate, however, it is incumbent upon the Secretary-General to propose options to the General Assembly for the necessary action. In this connection, the Advisory Committee is of the view that gratis personnel should not be sought for positions kept vacant solely for financial reasons, nor should type II gratis personnel be accepted in excess of the needs of the Organization.

11. In view of the above, the relevant budgets must be prepared on a full-cost basis, with a full identification of needs as recommended by the Advisory Committee in its reports on the international tribunals (in particular, A/50/925, paras. 10-13, and A/51/7/Add.5), and as concerns peacekeeping operations, paragraph 5 of General Assembly resolution 44/192 A. In this connection, the Committee recalls General Assembly resolution 51/136, in which the Assembly endorsed the proposals, recommendations and conclusions of the Special Committee on Peacekeeping Operations, which in paragraph 47 of its report (A/51/130) noted the imbalance between posts financed from the regular budget, the support account for peacekeeping operations and the number of military officers on loan, and the temporary nature of the use of this type of personnel; the Special Committee urged the General Assembly to take steps to correct this imbalance "by providing for United Nations financing of posts at present occupied by officers on loan and by recruitment for those posts in accordance with established procedures". The Advisory Committee also notes the view of the Open-ended High-level Working Group on the Strengthening of the United Nations System, as referred to in paragraph 68 of the report of the Secretary-General, that positions funded from extrabudgetary resources or personnel on loan from Member States were only acceptable on a temporary basis for specific short-term projects or pending a transition, which should be accomplished promptly, to budgetary posts funded from assessed contributions;

and that guidelines should be developed to ensure that such staff arrangements maintained consistency with Articles 100 and 101 of the Charter.

12. In the opinion of the Advisory Committee, all positions must be fully reflected in the relevant budget and provision made for these positions. Moreover, each budget should show the complete staffing picture, however funded. Thus, each budget, whether regular, peacekeeping or support account, should show the complete staffing picture for each organizational unit under review. Approved positions must be filled in the traditional manner in full compliance with all existing personnel policies and procedures, including the need to maintain geographical balance. In the opinion of the Advisory Committee, the use of type II gratis personnel, which represents a departure from normal personnel practice and the safeguards inherent therein, should be on an exceptional and temporary basis only and should be limited to two situations.

13. The first is in cases of urgency, prior to the preparation and/or approval of a budget, such as in the start-up of operations or to meet a sudden expansion in operational requirements. Recourse to gratis personnel in these instances should be preceded by a submission to the Advisory Committee, with full justification, using the mechanism contemplated in the resolutions dealing with unforeseen and extraordinary expenses or resolution 49/233, pending submission to the General Assembly of the appropriate budget and related personnel requirements. Once the budget has been approved, the filling of the related positions would be regularized in accordance with existing personnel regulations and rules.

14. The second is in the provision, after the approval of a budget, of expertise for very specialized functions, as identified by the Secretary-General. These personnel would occupy only positions authorized through the relevant budgetary process, and it should be demonstrated that the required expertise is not otherwise available in the Secretariat or by recruitment through established procedures. Moreover, the duration of the need should be specifically disclosed and justified. These personnel would be placed against approved funded positions even though their services would be obtained in a manner exceptional to the normal personnel practices. If the personnel were made available free of charge, this would be recorded as a voluntary contribution.

15. The related costs of the gratis personnel provided in the situations described in paragraphs 13 and 14 above would be treated as voluntary contributions, to the extent of the cost of the budgeted position, and would be reflected in the budget; they would be deducted from assessments on Member States in accordance with procedures approved by the General Assembly in resolution 44/192 A, in paragraph 5 of which it endorsed the observations of the Advisory Committee in paragraphs 32 to 41 of its report (A/44/725).

16. With respect to the financial implications for the Organization of acceptance of gratis personnel, the Advisory Committee notes the Secretary-General's discussion in paragraphs 51 to 66 of his report. The Advisory Committee points out that the Secretary-General has not complied fully with the requirements of financial regulation 7.2. With respect to gratis personnel referred to in paragraphs 13 and 14 above, the Advisory Committee

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points out that although there would be backstopping costs associated with the provision of these personnel, on a net basis, taking into account what would have been spent by the Organization on mandated activities if these personnel were not to be provided, there would be a savings to the Organization.

17. In view of the foregoing, and taking into account that provisions are made in the relevant budgets, the Advisory Committee does not see the need to charge administrative support costs for type II gratis personnel performing mandated functions in the situations described in paragraphs 13 and 14 above.

18. In paragraph 74 of the Secretary-General's report, reference is made to the guidelines for the acceptance of gratis personnel, which are set out in annex I of the report. The Advisory Committee recommends that the proposed guidelines be redrafted, taking into account such observations and recommendations of the Advisory Committee in the present report as may be approved by the General Assembly. The guidelines should also cover such special provisions as may be necessary for part-time/standby personnel. The draft guidelines should be submitted to the General Assembly through the Advisory Committee prior to promulgation of the appropriate administrative instructions.

19. In this connection, the Advisory Committee points out that it would be increasingly difficult to adhere to guidelines, however drafted, if the proportion of gratis personnel in any organizational unit is high. As a further safeguard to what is recommended in paragraphs 13 and 14 above, the General Assembly may wish to consider limiting the extent to which a particular unit could be staffed by gratis personnel.

20. The Advisory Committee recommends that the Secretary-General be requested to report annually on the use of gratis personnel, indicating, inter alia, their nationality and summarizing the duration of their service and the functions performed.

21. The Advisory Committee further recommends that, following a decision by the General Assembly on the use of gratis personnel, current arrangements which fall outside of the new procedures should be phased out expeditiously and reported in the context of the report referred to in paragraph 20 above.

22. The Advisory Committee intends to bear in mind its observations and recommendations in the present report when it examines the relevant reports of the Secretary-General dealing with those areas in which gratis personnel are present.

Annex I

Department, nationality, equivalent level, duration of service and location of gratis personnel

Department	Nationality	Equivalent level	Duration of service			Location
			Up to		Beyond	
			1 yr.	1 yr.		
DPA	France	P-5		X		Office of the Assistant Secretary-General, Africa Divisions
	United States	D-1		X		Centre for Disarmament Affairs
DPKO	See annex II attached and also annex VI of A/51/688					
DPCSD	Cameroon	P-5		X		Office of Special Coordinator for Africa and the Least Developed Countries (OSCAL)
	Chile	D-1		X		Division for Sustainable Development
	Denmark	P-5		X		" " " "
	Ethiopia	G-4		X		" " " "
	"	G-4		X		OSCAL
	Germany					" " " "
	Mozambique	P-4		X		" " " "
	United Kingdom	D-1		X		Division for Policy Coordination and Economic and Social Council Affairs
DESIPA	Republic of Korea	P-4	X			Macroeconomics Division
		P-5		X		Statistics Division
		P-4		X		Statistics Division
DDSMS	Iraq	D-1		X		Division of Public Administration and Development Management
UNCHS	United Kingdom					
UNDCP	Japan	P-4			X	Resource Mobilization and Inter-Agency Coordination Service
	United States	(3) P-4			X	" " " "
ESCAP	India	P-5			X	Social Development Division
	France	P-4			X	ESCAP/Pacific Operations Centre

Department	Nationality	Equivalent level	Duration of service		Location
			Up to 1 yr.	Beyond 1 yr. 2 yrs.	
ECLAC DHA	Republic of Korea	P-4		X	Transport, Communication and Tourism Division
	Netherlands	P-2	X		Unit on Industry and Technology
	Canada				Levels are usually not specified. The United Nations Disaster Assessment and Coordination (UNDAC) Team comprises gratis personnel assigned to the field from more than 40 countries in the Americas, Asia and Europe. They provide assistance to DHA as and when they are called upon in the event of disasters. At Headquarters in New York the personnel (Canada, Denmark, New Zealand, Switzerland, Norway) and Geneva (France, Japan (2), Netherlands) are at the level of P-3/P-4; they perform functions related to relief coordination and disaster and emergency management projects.
	Denmark				
	France				
	Japan				
	Netherlands				
	New Zealand				
	Norway				
	Switzerland				
DAM	Ireland	P-3		X	Procurement and Transportation Division
	Norway	P-3		X	
	Spain	P-3	X		
	United States	P-3		X	
	Republic of Korea	P-3	X		Office of the Under-Secretary-General
	United Kingdom	D-1	X		Office of the Under-Secretary-General
UNOV (Crime prevention)	United States	D-2		X	Office of the Under-Secretary-General
	Austria	P-4		X	Operational Activities, Advisory Services and Commission Secretariat Section
	France	P-3		X	
	United Kingdom	P-3		X	Strategies Unit
OIOS	Germany	P-4		X	Office of the Under-Secretary-General
	Republic of Korea	P-3		X	Audit and Management Consulting Division

Department	Nationality	Equivalent level	Duration of service		Location
			Up to 1 yr.	Beyond 1 yr. 2 yrs.	
Tribunal (Yugoslavia)	Denmark	P-2	X		Investigation Section
	Finland	P-3	X		"
	Italy	P-5	X		"
	Netherlands	P-2	X		"
	"	(2) P-3	X		"
	"	P-2	X		Prosecution Section
	Norway	(2) P-3	X		Investigation Section
	South Africa	P-3	X		"
	Sweden	P-3	X		"
	Switzerland	P-2	X		"
	United Kingdom	(2) P-3	X		"
	"	P-2	X		"
	United States	(2) P-5	X		Prosecutor's Office
	"	(5) P-4	X		"
	"	(1) P-3	X		"
Tribunal (Rwanda)	"	(2) P-3	X		Investigation Section
	"	(5) P-2	X		"
	"	(1) P-2	X		Policy and External Relations
	Netherlands	(15) P-3/4	X		Investigation Section
	Norway	(5) P-3/4	X		"
	Sweden	(1) P-3/4	X		"
	Switzerland	(2) P-3/4	X		"
	United Kingdom	(1) P-3/4	X		"
	United States	(8) P-3/4	X		"

Department	Nationality	Equivalent level	Duration of service		Location
			Up to	Beyond	
UNSCOM	Argentina	Equivalent level	1 yr.	1 yr. 2 yrs.	Location
	Brazil				
	Australia				
	Austria				
	Canada				
	Chile				
	France				
	Germany				
	Netherlands				
	New Zealand				
	Poland				
	Russian Federation				
	Sweden				
	Switzerland				
	United Kingdom				
	United States				

Contracts are usually for six months but days actually employed vary. Most are military staff performing functions that are not standard United Nations functions. They form part of teams: aerial inspection, missile group, chemical group, biological group, export/import monitoring, nuclear group, helicopter unit, radio technicians/operators. There are no equivalent levels to United Nations grades.

While the ranking of military officers facilitates the assignment of an equivalent grade level in the United Nations, the equivalent level of other gratis personnel is not as clearly defined; the equivalency in this table reflects basically the level of functions assigned to the personnel, where those functions are similar to those of staff members.

Annex II

Gratis personnel in the Department of Peacekeeping Operations:
Military officers and civilian police

Current duration of tour of duty

Nationality	Number of personnel	Current duration of tour	
		Beyond 1 year	Beyond 2 years
Argentina	8	3	0
Australia	4	1	0
Austria	3	1	0
Belgium	5	1	3
Brazil	7	1	0
Canada	9	4	1
Czech Republic	2	0	0
Denmark	1	1	0
Finland	1	1	0
France	9	4	1
Germany	6	4	0
Ghana	1	0	0
Indonesia	1	0	0
Ireland	2	2	0
Israel	1	1	0
Italy	10	5	4
Kenya	1	1	0
Malaysia	1	0	1
Mali	1	0	0
Namibia	1	0	0
Netherlands	7	0	6
New Zealand	1	1	0
Norway	5	0	0
Republic of Korea	1	1	0

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Nationality	Number of personnel	Current duration of tour	
		Beyond 1 year	Beyond 2 years
Russian Federation	1	0	1
Singapore	3	1	0
South Africa	2	2	0
Spain	3	0	0
Sweden	3	3	0
Switzerland	1	1	0
Turkey	4	2	1
United Kingdom	7	2	3
United States	12	4	5
Zimbabwe	1	0	0
Total	125	47	26

Annex III

Rank equivalencies of government loan military officers in
the Department of Peacekeeping Operations

D-2 Major General
D-1 Brigadier General
P-5 Colonel
P-4 Lieutenant-Colonel
P-3 Major
P-2 Captain
OL Non-commissioned officer
